

**REMARKS**

A telephone interview between Examiner Reagan and Dennis Smid (one of the applicants' undersigned attorneys) was held on August 7, 2006. The applicants and Mr. Smid wish to thank the Examiner for his time and consideration for such interview.

A Final Office Action issued on May 9, 2006. The following remarks are presented in response to such May 9 Office Action.

Claims 1-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik et al. (U.S. 5,629,980 A), "in view of the Applicant's own admissions."

Independent claim 1 has been amended herein in the manner discussed during the August 7 interview. That is, claim 1 now recites in part the following:

"A copyrighted work managing method for managing copyrighted work data desired to be transmitted from a personal computer to a server, comprising the steps of:

detecting whether copyrighted work data in communication data has been transmitted from the personal computer on a communication network which is desired to be supplied to the server;"

As discussed during the August 7 interview, it is respectfully submitted that Stefik as applied by the Examiner does not disclose the detecting step of claim 1. That is, in explaining the above 103 rejection, and as best understood, the Examiner appears to rely on the abstract, lines 10-13 and 44-46 of column 1, lines 1-22 of column 2, and Fig. 1 and the associated text thereof of Stefik along with page 2 of the

present application to disclose the detecting step of claim 1. As discussed during the August 7 interview, it is respectfully submitted that portions of Stefik and that of the present application relied upon by the Examiner do not disclose "detecting whether copyrighted work data . . . has been transmitted from the personal computer on a communication network which is desired to be supplied to the server," as specifically recited in claim 1. (Emphasis added.)

In Stefik, a creator of work appears to store such work in repository 1 and to determine the desired usage rights and fees thereof. Thereafter, if someone else at repository 2 wishes to have access to such work (so as to copy it), such person would request such access. If access is granted, the repository 1 transmits the work to repository 2. Accordingly, such procedure in Stefik does not appear to transmit the work of the creator (e.g., copyrighted work) unless access has been granted. As a result, such portions of Stefik do not disclose (and do not appear to even need) a step of "detecting whether copyrighted work data . . . has been transmitted from the personal computer. . .," as in claim 1.

For reasons similar to those previously described with regard to claim 1, it is also respectfully submitted that amended independent claims 5, 6, 12, 13, and 17 are also distinguishable from the applied combination of Stefik and "the Applicant's own admissions."

Claims 2-4, 7-11, and 14-16 are dependent from one of the amended independent claims. Accordingly, it is also respectfully submitted that dependent claims 2-4, 7-11, and 14-16 are distinguishable from the applied combination of Stefik and "the Applicant's own admissions" for at least the reasons previously described.

In view of the above, each of the presently pending


claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 9, 2006

Respectfully submitted,

By 

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